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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF WASHINGTON**

7 STEVE LINT,

8 Plaintiff,

9 vs.

10 COMMISSIONER OF SOCIAL
11 SECURITY,

Defendant.

No. 1:17-cv-03079-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 15, 22

12 BEFORE THE COURT is the parties' Stipulated Motion for Remand (ECF
13 No. 22) of the above-captioned matter to the Commissioner for additional
14 administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g).
15 Attorney D. James Tree represents Plaintiff. Attorney Lisa Goldoftas represents
16 Defendant. The parties have consented to proceed before a magistrate judge. ECF
17 No. 7. After considering the file and proposed order, **IT IS HEREBY**

18 **ORDERED:**

19 1. The parties' Stipulated Motion for Remand (**ECF No. 22**) is
20 **GRANTED.**

1 2. The above-captioned case is **REVERSED** and **REMANDED** to the
2 Commissioner of Social Security for further administrative proceeding pursuant to
3 sentence four of 42 U.S.C. § 405(g).

4 The parties agree on and the Court **ORDERS** the following terms:

5 On remand, the Appeals Council will direct the administrative law judge
6 (ALJ) to further develop the record and issue a new decision. The ALJ will (1)
7 reevaluate the medical evidence, including the opinions of Jay M. Toews, Ed.D.;
8 Wendi Wachsmuth, Ph.D.; Chris De Villeneuve, M.Ed.; and State agency medical
9 consultants; (2) obtain appropriate medical expert evidence to provide a
10 longitudinal overview and clarify the nature, severity and limiting effects of
11 Plaintiff's medically determinable mental impairments throughout the period at
12 issue; (3) reevaluate Plaintiff's residual functional capacity during the period at
13 issue and provide a rationale with specific references to the record evidence in
14 support of assessed limitations; (4) reassess Plaintiff's subjective complaints¹; and
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17 ¹ In March 2016, the Social Security Administration implemented Social Security
18 Ruling (SSR) 16-4p, 2016 WL 1119029 (Mar. 16, 2016), rescinding SSR 96-7p,
19 1996 WL 374186 (July 2, 1996) to "eliminate[e] the use of the term 'credibility'"
20 from the ALJ's subjective testimony analysis and "clarify that subjective symptom
evaluation is not an examination of an individual's character" or "truthfulness in
the manner typically used during an adversarial court litigation." 2016 WL

1 (5) continue the sequential evaluation process, obtaining expert vocational expert
2 testimony as warranted. ECF No. 22 at 1-2.

3 3. Judgment shall be entered for **PLAINTIFF**.

4 4. Plaintiff's Motion for Summary Judgment (**ECF No. 15**) is **STRICKEN**
5 **AS MOOT**.

6 5. Upon proper presentation, this Court will consider Plaintiff's application
7 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

8 The District Court Executive is directed to enter this Order, **enter**
9 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

10 DATED December 1, 2017.

11 s/Mary K. Dimke
12 MARY K. DIMKE
13 UNITED STATES MAGISTRATE JUDGE
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20 119029, at *1-10. Though the ALJ rendered her October 28, 2015 decision under
SSR 96-7p, on remand, SSR 16-3p shall control.